

Customer No. 35745

Docket No.: 100405/16370

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Massey et al. Confirmation No. 3441
Serial No.: 10/007,526
Filed: December 5, 2001
Examiner: Shafiqul Haq
Group Art Unit: 1641
For: **GRAPHITIC NANOTUBES IN LUMINESCENCE ASSAYS**

CERTIFICATE OF TRANSMISSION under 37 CFR 1.8
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on October 24, 2005

Aaron S. Halvya, Reg. No. 44,733

Name of Applicant, Assignee or Registered Representative

Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The owner, Meso Scale Technologies LLP., of entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,866,434. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that any of the said patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

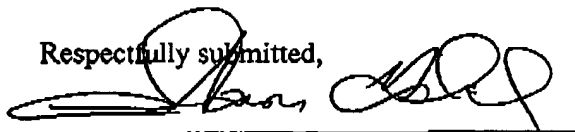
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The undersigned is an attorney of record and authorized to execute terminal disclaimers on behalf of Meso Scale Technologies LLP.

The Director is hereby authorized to charge the required fee of \$130.00 under 37 CFR 1.20(d) as well as any other fee(s) deemed necessary with the filing of this terminal disclaimer to Deposit Account No. 50-0540.

Dated: October 24, 2005

Respectfully submitted,



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